

March 30, 1982

LB 807

PRESIDENT: Read the motion.

CLERK: Mr. President, Senator Landis would move to return LB 807 to Select File for a specific amendment. I believe copies have been distributed to the membership.

PRESIDENT: Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature you will find on your desks a short amendment to LB 807. Frankly, in the Select File amendment that went on with respect to the safe harbor provision on initiatives and referendums, the referendums that are limited to the 30 day application after the passage of an ordinance we did not declare what kind of notice had to be given. We said notice had to be given but there was no provision in the rest of the bill to cover what kind of notice we were talking about. That notice is outlined on lines 7 through 11 of the amendment. The other language of the amendment makes it clear that the need to utilize or the choice to utilize the limited referendum approach, which is triggered by this notice is optional on the city. And, additionally the limited referendum right, the thirty-day right to petition an ordinance off the books runs at the date of notice of the action rather than the action itself. In small towns it is entirely possible that the notice which would be published pursuant to this provision could be as late as ten or fifteen days following the action by the board. If you applied the 30 day rule that would give only 15 days left for petitioners to use the right of limited referendum. We move then the date from the action of the board to the notice of the action of the board which is published as that which would trigger the 30 day limited referendum right. The language is brought to us by a bond council on behalf of the League of Municipalities. It is consistent with the act and amounts to a technical amendment. I move its adoption.

PRESIDENT: Senator Schmit, did you wish to speak to this? Senator DeCamp, Senator DeCamp, I don't believe you wished to speak either did you? Any further discussion then on the Landis motion to return? Senator Landis I guess that is it, so the motion before the House is the return of LB 807 for the specific Landis amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 36 ayes, 0 nays on the motion to return the bill, Mr. President.

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